

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 9

This is in response to your request for review of disclosure concerning Employee X.

X is a City Planning Clerk of the Planning Department assigned to Y Division and with duties which are generally sensitive to real estate development. (See first paragraph of X's job description.) We understand that his real estate salesman's license is on the inactive list with the Real Estate Commission. We also understand that he intends to activate his license and commence selling real estate.

The question presented is whether any violation of the Code of Conduct set forth in Section 11-101 of the City Charter will occur if X engages in such outside sales activities. In Opinion No. 1 of this Commission, we held that "any employee of the City invested with public powers by virtue of his position should not engage in outside free-lance selling activities, such as the selling of real estate or insurance, where an element of solicitation exists. We maintain this position irrespective of whether or not such solicitation involves persons or businesses which the solicitor, as a City inspector, has a duty to police." That statement of ethical principle is applicable here.

In the opinion of the Ethics Commission, if X reactivates his license and commences to sell real estate, he will be engaging in outside employment which would violate Section 11-101.3 of the City Charter, to-wit:

No appointive officer or employee may engage in outside employment or in any business or professional activity which may impair his independence of judgment in the exercise of his official duties.... or which is otherwise inconsistent or incompatible with or which interferes with the proper discharge of his official duties.

Dated: Honolulu, Hawaii, May 7, 1969.

ETHICS COMMISSION
Harold H. Ohama, Chairman